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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/710,353

07/02/2004

Connie Gurley

45550.0200

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7590

07/24/2006

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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/710,353

Applicant(s)

GURLEY ET AL.

Examiner

Frank Vanaman

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 23-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election without traverse of Group I, directed to claims 1-22 in the reply filed on June 2, 2006 is acknowledged.

Claims 23-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Specification

2. The abstract of the disclosure is objected to because the phrase "[t]he present invention comprises" is redundant and should be deleted. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the phrase "said cart handle liner tab" lacks a clear antecedent basis. Applicant may desire to adjust the dependency of claim 8, as claim 4 does not recite a cart handle liner tab, while claim 7 does.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 5, 9, 11, 12, 14-19, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers et al. (US 5,829,835). Rogers et al. teach a removable system including plural portions for engaging and lining sections of a shopping cart, including a basket lining portion (70, 71; handle 72) having front, back and side walls, a child transport area lining portion (35, 37a) and a handle lining portion (top of 32), further including at least one carrier handle (41, 42), a plurality of tabs (57a, 57b; 57a', 57b') for affixing portions of the transport area lining portion and attached basket lining portion of the cart (C); the system convertible into a carrying bag for transporting articles

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(figures 1, 2); taught to be made from a fabric material and to further include at least a plastic layer (31a, see col. 4, line 62 through col. 5, line 2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-8, 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. (cited above). The reference to Rogers et al. is discussed above. As regards claim 7, the reference to Rogers et al. fails to explicitly teach a tab for connecting the handle liner to the cart. It is well known to duplicate an already taught element for the purpose of enhancing the function or multiplying the effect of the element, and in view of Rogers et al. teaching the use of plural tabs (57, 58) for connecting the seating area liner portions to a cart, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide further tab portions of the same structure for connecting the handle liner portion to the cart, for the purpose of providing a more secure connection of the liner portions and cart.

As regards claims 6 and 8, the reference to Rogers et al. fails to teach the tab elements as being removable, however in view of the reference teaching the use of a fastener which may be disconnected, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the tabs removable, for example to allow them to be placed in different locations on the liner to engaging with carts having different shapes or structures, thus facilitating the use of the liner device with a greater number of carts.

As regards claims 13 and 20, the reference to Rogers, whilst teaching the portion 31a as being made from a plastic to prevent moisture damage, fails to explicitly teach that at least portion 31a is non-porous. It would have been obvious to one of ordinary skill in the art at the time of the invention to make an element taught to prevent moisture

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damage from a non-porous material for the purpose of containing the moisture associated with the elements which may cause the damage (e.g., bottles, cups, beverage containers, etc.).

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. in view of Ostrowski (US 4,991,978). The reference to Rogers et al. is discussed above and fails to teach the liner as including a drawstring with a drawstring fastener. Ostrowski teaches a combination device which may be used open or closed up to form a carrier bag, being provided with a drawstring (18) and a fastener (20) for closing the device when used as a carrier (figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the system taught by Rogers et al. with a drawstring and fastener closure (in place, for example, of the zipper fastener), as taught by Ostrowski, for the purpose of allowing the system to be closed quickly, and additionally to prevent snagging of clothing or other items when the carrier system is being closed for use as a carrier.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of Frahm (US 5,918,798). The reference to Rogers et al. is discussed above and fails to teach the basket lining portion as including front, rear and side portions, with gussets connecting the front and side portions, and the side and back portions. Frahm teaches a well known folding structure for a liner which may be used in a shopping cart, comprising front and back walls (22, 26) at least one side wall (52/62) with the side wall connected to the front wall and to the back wall by a pair of gussets (64, 64), the structure allowing a compact folding configuration. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the basket lining portion of the system taught by Rogers et al. (70, 71, 72) with the front wall, back wall, side wall and pair of gusset portions as taught by Frahm, for the purpose of allowing the basket lining portion to be folded up into a compact arrangement when not in use.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bumby (US 3,028,066), Lucas et al. (US 4,560,096), Groglio (US

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5,649,718), Aprile (US 6,237,998), Landine (US 6,517,155) and Ryan et al. (US 6,966,565) teach cart structures and insert lining devices of pertinence.

11. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618



Handwritten signature of F. Vanaman, dated 7/19/06.